



# City of Santa Barbara California

## CITY OF SANTA BARBARA PLANNING COMMISSION

### RESOLUTION NO. 031-05

#### 1218 & 1224 HARBOR HILLS DRIVE

#### LOT LINE ADJUSTMENT, LOT AREA MODIFICATION, LOT FRONTAGE MODIFICATIONS, NPO FINDINGS AND PUBLIC STREET FRONTAGE WAIVER

APRIL 21, 2005

#### **APPLICATION OF MIKE GONES, AGENT FOR RAFI JAVID, PROPERTY OWNER, 1218 & 1224 HARBOR HILLS DRIVE, APNS 035-180-089 & 035-180-098, E-1 ZONES, GENERAL PLAN DESIGNATION: THREE UNITS PER ACRE (MST97-00764)**

The proposed project involves a lot line adjustment between two lots, 1218 Harbor Hills Drive (APN 035-180-089) and 1224 Harbor Hills Drive (APN 035-180-098). The existing lot at 1218 Harbor Hills Drive is 31,163 square feet in area, and would be 30,000 square feet following the lot line adjustment. Existing on the site is a residence with a detached garage. The existing lot at 1224 Harbor Hills Drive is 26,686 square feet in size, and would be 27,767 square feet following the lot line adjustment. The lot at 1224 Harbor Hills Drive is currently vacant, and would, as part of the revised application, include a 3,236 square foot single-family residence with an attached 708 square foot garage and grading in excess of 500 cubic yards outside the main building footprint. Upon adjustment, two (2) legal lots would remain. In addition to the lot line adjustment, the proposed project involves compliance with the Conditional Certificate of Compliance dated July 24, 2000, for 1224 Harbor Hills Drive and the Conditional Certificate of Compliance dated September 20, 1982 for 1218 Harbor Hills Drive.

The discretionary applications required for this project are:

1. Modification to allow parcels APN 035-180-089 (1218 Harbor Hills Drive) and APN 035-180-098 (1224 Harbor Hills Drive) to have less than the required 90 feet of street frontage in the E-1 Zone (SBMC §28.15.080);
2. Lot Area Modification for APN 035-180-098 (1224 Harbor Hills Drive) to not comply with the slope density minimum lot size requirements in the E-1 Zone (SBMC §28.15.080);
3. Public Works Street Frontage Waiver for APN 035-180-098 (1224 Harbor Hills Drive) as required in the Conditional Certificate of Compliance dated July 24, 2000;
4. Lot Line Adjustment resulting in two lots (Gov. Code §66412); and
5. Neighborhood Preservation Ordinance Compliance to allow grading in excess of 500 cubic yards outside the main building footprint located in the Hillside Design District (SBMC §22.68.060).

The Planning Commission will consider approval of the Negative Declaration prepared for the project (MST97-00764) pursuant to the California Environmental Quality Act Guidelines Section 15074.

**WHEREAS**, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

**WHEREAS**, 0 people appeared to speak in favor of the application, and 0 people appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, April 15, 2005
2. Site Plans

**NOW, THEREFORE BE IT RESOLVED** that the City Planning Commission:

I. Approved the subject application making the following findings and determinations:

**A. Mitigated Negative Declaration Findings**

1. The Planning Commission has considered the proposed Final Mitigated Negative Declaration for 1218 & 1224 Harbor Hills Drive (MST97-00764), and the comments received during the public review process. The proposed Final Mitigated Negative Declaration has been prepared in compliance with California Environmental Quality Act requirements, and constitutes adequate environmental analysis of the Harbor Hills Drive Project (MST97-00764).
2. Mitigation measures identified in the Mitigated Negative Declaration have been agreed-to by the applicant and incorporated into the Harbor Hills project, which would avoid or reduce all potentially significant impacts to less than significant levels. Additional mitigation measures would be applied as conditions of approval to minimize adverse but less than significant environmental effects. In the Planning Commission's independent judgment and analysis, based on the whole record, there is no substantial evidence that the Harbor Hills Drive Project (MST97-00764) will have a significant effect on the environment. The Final Mitigated Negative Declaration is hereby adopted.
3. A Mitigation Monitoring and Reporting Program prepared in compliance with the requirements of Public Resources Code § 21081.6, is included in the proposed Final Mitigated Negative Declaration for the Harbor Hills Drive Project (MST97-00764) and applied as a condition of approval and is hereby adopted.
4. The location and custodian of documents associated with the environmental review process and decision for the Harbor Hills Drive Project (MST97-00764) is the City of Santa Barbara Community Development Department, 630 Garden Street, Santa Barbara, CA 93102.

**B. Findings for the Lot Line Adjustment (Government Code §66412)**

With the proposed lot line adjustment, 1218 Harbor Hills Drive would remain in compliance with the City's Building Codes, General Plan, and Zoning Ordinance with the exception of the street frontage modification. 1224 Harbor Hills Drive would comply with the City's Current Building Codes, General Plan and Zoning Ordinances

with approval of the lot area and street frontage modifications. The lot line adjustment would result in a more ideal configuration for 1224 Harbor Hills Drive, allowing a development envelope that is on the flatter portion of the hillside and is closer to Harbor Hills Drive.

**C. Findings for the Lot Area Modification Pursuant to SBMC §28.15.080 for 1224 Harbor Hills Road**

Existing parcels in the Harbor Hills neighborhood range in lot size from 10,000 square feet to 1.4 acres, and average 18,685 square feet for the 30 parcels. The existing parcels on the upper portion of La Vista del Oceano Drive range in lot size from 8,000 to 24,700 square feet and average 13,246 square feet for the 21 parcels. The recently approved Rogers Tract Project, located directly west to the subject site, at 1701, 1702, 1703, and 1704 La Vista del Oceano Drive and 1706 and 1708 La Vista del Oceano Lane, involved a six lot subdivision with one lot totaling 16,000 square feet in size and the other five lots ranging from 43,000 to 45,000 square feet in size. The proposed 27,767 square foot lot at 1224 Harbor Hills would remain consistent with the other lot sizes in the immediate neighborhood and would be consistent with intent of the Zoning Ordinance because, with the lot line adjustment, the lot will increase in size. The resulting lot after the lot line adjustment will also remain consistent with the General Plan density and with the Conditional Certificate of Compliance.

**D. Findings for the Lot Frontage Modification Pursuant to SBMC §28.15.080 for 1218 Harbor Hills Drive**

The requested modification for relief of the required frontage results in a project which is consistent with the purposes and intent of the Zoning Ordinance. 1218 Harbor Hills Drive would continue to take access off of a private drive on 1214 Harbor Hills Drive. As part of the proposed project, Public Works would require 1214 Harbor Hills Drive to grant a public street easement for the portion of the hammerhead turnaround used by vehicles at the driveway that provides joint access to 1214 and 1218 Harbor Hills Drive.

**E. Findings for the Lot Frontage Modification Pursuant to SBMC §28.15.080 and Public Frontage Waiver for 1224 Harbor Hills Drive**

The requested modification for relief of the required frontage results in a project which is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement to the lot. The newly configured lot as 1224 Harbor Hills Drive would have approximately 62 feet of public street frontage, whereas the originally configured lot would have none.

**F. Neighborhood Preservation Ordinance Findings (SBMC §22.68.060)**

1. *The public health, safety and welfare will be protected.*

The project site is subject to a number of geologic and environmental constraints. As discussed in the Final Mitigated Negative Declaration, potential impacts associated with these hazards would be adequately addressed by implementing the identified project design and specified mitigation measures such that

construction of the proposed development would ensure seismic and geologic stability, and reduce or avoid potential environmental impacts associated with unstable geologic conditions.

The grading has been designed with appropriate drainage and erosion control measures. All drainage improvements would be subject to design in accordance with hydrology calculations, City Ordinance provisions, and review by the City Building and/or Public Works Engineering Divisions.

The proposed project's landscape plans would comply with City high fire hazard area requirements for access, construction (access), water availability, and vegetation brush management.

2. *The grading and development will be appropriate to the site, have been designed to avoid visible scarring and will not significantly modify the natural topography of the site or the natural appearance of any ridgeline or hillside.*

The proposed 1,085 cubic yards of grading underneath the proposed residence and the proposed 859 cubic yards of grading outside the residence's footprint is appropriate to the site and will allow the unit to be built sufficiently into the hillside. The proposed grading design implements the City's Hillside Housing Techniques and the grading plan would be compatible with the site's natural contours. The project would also introduce the use of native or naturalized and fire retardant vegetation, especially on the downward or south facing slope that would break up any large surface area views of the residence facing down slope. Because very little vegetation exists on the project site currently, the addition of trees and shrubs would be an enhancement of the hillside. The visual change of the currently vacant site to the addition of one residence would be nominal from public view vantage points.

3. *The project will, to the maximum extent feasible, preserve and protect any native or mature trees with a minimum diameter of four inches (4") measured four feet (4') from the base of the trunk. Any specimen tree, skyline tree, or oak tree with a diameter of four inches (4") or more at four feet (4') above natural grade that must be removed will be replaced on a one-to-one basis, at a minimum.*

There are no existing trees at the subject site. Thus, no designated specimen, historic and landmark trees will be removed.

4. *The development will be consistent with the scenic character of the City and will enhance the appearance of the neighborhood.*

The project design is in keeping with the acceptable architectural styles of the City and the neighborhood. The new residence would be cut into the site minimizing its visual impact from any public viewpoint. The residence would also be comprised of earth tone plaster colors allowing the development to blend into the surrounding hillside.

5. *The development will be compatible with the neighborhood, and its size, bulk,*

*and scale will be appropriate to the site and neighborhood.*

The recently approved Rogers Tract Project, located directly west to the subject site, at 1701, 1702, 1703, and 1704 La Vista del Oceano Drive and 1706 and 1708 La Vista del Oceano Lane, involved a six lot subdivision with the houses ranging from 3,525 to 4,517 square feet in size with three car garages. The proposed residence is 3,236 square feet in size with an attached 708 square foot garage. The new residence would be cut into the site minimizing its visual impact from any public viewpoint. The residence would also be comprised of earth tone plaster colors allowing the development to blend into the surrounding hillside. Following ABR's recommendations, Planning Commission can find that the proposed development would be compatible with the site and neighborhood.

6. *The development will preserve significant public scenic views of and from the hillside.*

The project is limited in scope and would only permit one additional residence. The proposed project would not obstruct any public scenic view corridors to the ocean or lower elevations of the City nor would it obstruct any upper foothill or mountain views from the beach or lower elevations of the City. The residence would occur at a density and intensity similar to that existing in the surrounding area and would be subject to development standards provided in the City Zoning Ordinance.

II. Said approval is subject to the following conditions:

- A. **Recorded Agreement.** Prior to the recordation of the Lot Line Adjustment for the project on the Real Property, the following conditions shall be imposed on the use, possession and enjoyment of the Real Property and shall be recorded by the Owner in a written instrument which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director:

1. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate. The Owner is responsible for the adequacy of any drainage facilities and for the continued maintenance thereof in a manner which will preclude any hazard of life, health or damage to the Real Property or any adjoining property.
2. **Approved Development.** The development of the Real Property approved by the Planning Commission on April 21, 2005 is limited to the existing development at 1218 Harbor Hills Drive and a single family residence at 1224 Harbor Hills Drive, which shall not exceed 3,300 square feet, including garage, and including the improvements shown on the site and elevation plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.

3. **Real Property Agreement.** The Owner shall not make any use of the restricted portion of the Real Property as designated on Exhibit 1 (attached) in order that those portions of the Real Property remain in their natural state, except as necessary to complete drainage improvements. These restrictions include, but are not limited to the right to develop the restricted portions with any grading, irrigation, buildings, structures, or utility service lines. The restricted areas shall be shown on the Lot Line Adjustment Plan to be recorded, subject to review and approval by the Public Works Director. The Owner shall continue to be responsible for (i) maintenance of the restricted area and (ii) compliance with orders of the Fire Department. Any brush clearance shall be performed without the use of earth moving equipment.
  4. **Trail Easement.** A trail easement shall be provided, offered to the City for dedication, and incorporated into the Lot Line Adjustment Plan, which shall connect to the previously approved trail easement required for projects approved by the Planning Commission on November 18, 2004, at 1701, 1702, 1703 and 1704 La Vista del Oceano Drive and 1706 and 1708 La Vista del Oceano Lane, and at 422-448 Santa Fe Lane, Said dtrail shall be maintained by Owner in perpetuity.
  5. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan as approved by the Architectural Board of Review (ABR) for 1224 Harbor Hills Drive. Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan.
- B. **Design Approval.** The following is subject to the review and approval of the Architectural Board of Review (ABR):
1. **Residence.** The proposed residential construction at proposed 1224 Harbor Hills Drive shall require review and approval by the Architectural Board of Review, and shall not exceed 3,300 square feet, including garage..
  2. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance. No floodlights shall be allowed. Lighting shall be directed toward the ground.
  3. **Trash Enclosure Provision.** A trash enclosure with an area for recycling containers shall be provided on the Real Property and screened from view from surrounding properties and the street. Such structure shall be located at least five (5) feet from any building unless protected with fire sprinklers.
  4. **Screened Check Valve/Backflow.** The check valve or anti-backflow devices for fire sprinkler (and irrigation) systems shall be provided in a location screened from public view or included in the exterior wall of the building.
  5. **Landscape Plan.** The landscape plan shall incorporate all required High Fire Hazard Area landscaping standards. (Mitigation Measure Bio/Fire 2) All

hardscape surfaces shall be permeable except those at the rear of the house, which must be impermeable to prevent water intrusion.

6. **Driveway Paving.** The driveway paving shall be textured permeable pavement in order to differentiate between the public right of way and private property.
7. **Public Pedestrian Trail.** The proposed public pedestrian trail that would connect to an adjacent trail to the west that will eventually take the pedestrian to Cliff Drive shall also be clearly marked through the use of colored, textured and/or permeable paving.

C. **Required Prior to Building Permit Issuance.** Prior to the issuance of a Building permit for the proposed residence on the Real Property:

1. **Water Extraction Rights.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property. This assignment of rights shall not include a right of surface entry upon or from the Real Property. Said assignment and any related agreements are subject to the review and approval of the City Attorney. Said agreement shall be recorded in the Office of the County Recorder.
2. **Storm Water Quality Control.** The Owner shall apply storm water quality control guidelines to the project per the Public Works Department Construction Project Best Management Practices.
3. **Lot Line Adjustment.** The Owner shall submit an executed Declaration of Lot Line Adjustment to the Public Works Department, including the legal description of the subject properties prior to and following the lot line adjustment. The legal descriptions shall be prepared by a licensed surveyor and subject to approval by City. Said Declaration shall be recorded in the Office of the County Recorder.
4. **Street Easement.** Owner shall provide City with legal descriptions prepared by a licensed surveyor of the proposed public right-of-way along Harbor Hills Drive, including the hammerhead turnaround, in a number and form approved by the Public Works Department. Owner shall covenant or offer to make a dedication of a public street easement for the public right-of-way along Harbor Hills Drive including the portion of the hammerhead turnaround used by vehicles at the driveway that provides joint access to 1214 and 1224 Harbor Hills Drive.
5. **Street Easement Deed.** Owner shall, upon request from City, execute an easement deed in a form prepared by City for a public street easement along Harbor Hills Drive, including the hammerhead turnaround. The street easement deed shall acknowledge the existence of certain privately-owned and maintained topographic features currently located within the proposed easement at Harbor Hills Drive. The easement deed shall grant the owner of 1214 Harbor Hills Drive the revocable right and obligation to maintain those certain existing

topographic features, including approximately fifteen feet (15') of an existing retaining wall and landscaping, until any such time the City shall require their removal to make way for the construction, use and maintenance of any public street improvements and appurtenances that may be located within the easement more particularly described in the proposed street easement deed. Once accepted by the City Council, the street easement deed shall be recorded in the Office of the County Recorder.

6. **Relocation of Retaining Wall.** Owner shall redesign, relocate or remove retaining wall shown on site plans within the proposed hammerhead turn around fronting 1224 Harbor Hills Drive in order to maintain clearance for the proposed public hammerhead turn around area.
  7. **Public Right of Way Improvements.** The Owner shall submit building plans for construction of improvements along the subject property road frontage on Harbor Hills Drive. Construct new driveway apron modified to meet Title 24 requirements, construct Hammerhead for Fire Truck turn around, curb, gutter, underground service utilities, and provide adequate positive drainage from site. The building plans shall be prepared by a registered civil engineer or licensed architect and reviewed and signed by the City Engineer.
  8. **Conditional Certificates of Compliance Notice.** The Real Property is currently subject to conditional certificates of compliance recorded in accordance with the California Subdivision Map Act. These conditional certificates of compliance are recorded in the Official Records of the County of Santa Barbara as Instrument Nos. 82-39125, 96-051281 and 2000-004480. If Owner is not issued a building permit for the residence at 1224 Harbor Hills Drive prior to the expiration of this approval, such conditional certificates of compliance shall remain in full force and effect. If Owner satisfies all of the conditions of this approval and is issued a building permit for the residence at 1224 Harbor Hills Drive, upon request of Owner, the City shall record a certificate of compliance in the chain of title for the Real Property.
  9. **Trail Easement Dedication.** Owner shall dedicate an easement for a public trail that connects from Harbor Hills Drive to the trail extending from La Vista del Oceano Drive.
- D. **Building Permit Plan Requirements.** The following requirements shall be incorporated into, or submitted with the construction plans submitted to the Building & Safety Division with applications for grading and building permits:
1. **Grading Prohibition.** Grading is prohibited from November 1<sup>st</sup> to April 1<sup>st</sup>.
  2. **Water Sprinkling During Grading.** During site grading and transportation of fill materials, regular water sprinkling shall occur using reclaimed water whenever the Public Works Director determines that it is reasonably available. During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied to



prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.

3. Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph. (Mitigation Measure AQ.1)
4. **Covered Fill Material/Truck Loads.** If importation, exportation and stockpiling of fill material are involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be covered from the point of origin. (Mitigation Measure AQ.2)
5. **Haul Routes.** The haul route(s) for all construction-related trucks, three tons or more, entering or exiting the site, shall be approved by the Transportation Engineer. (Mitigation Measure AQ.3)
6. **Wind Erosion Control.** After clearing, grading, earth moving or excavation is completed, the entire area of disturbed soil shall be treated to prevent wind pickup of soil. This may be accomplished by:
  - a. Seeding and watering until grass cover is grown;
  - b. Spreading soil binders;
  - c. Sufficiently wetting the area down to form a crust on the surface with repeated soakings as necessary to maintain the crust and prevent dust pickup by the wind;
  - d. Other methods approved in advance by the Air Pollution Control District.(Mitigation Measure AQ.4)
7. **Expeditious Paving.** All roadways, driveways, sidewalks, etc., should be paved as soon as possible. Additionally, building pads should be laid as soon as possible after grading unless seeding or soil binders are used. (Mitigation Measure AQ.5)
8. **Gravel pads.** Gravel pads must be installed at all access points to prevent tracking of mud on to public roads. (Mitigation Measure AQ.6)
9. **Dust Control Monitor.** The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control

District prior to approval of map recordation and issuance of any grading permits for the project. (Mitigation Measure AQ.7)

10. **Construction Equipment Requirements.** The following shall be adhered to during project grading and construction to reduce NOx emissions from construction equipment: (Mitigation Measure AQ.8)
  - a. Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated "clean" diesel engines) shall be utilized wherever feasible.
  - b. Clean diesel fuel (Ultra-Low Sulfur Diesel) fuel shall be used.
  - c. The engine size of construction equipment shall be the minimum practical size.
  - d. The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
  - e. Construction equipment shall be maintained in tune per the manufacturer specifications.
  - f. Construction equipment operating onsite shall be equipped with two to four degree engine timing retard or precombustion chamber engines.
  - g. Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
  - h. Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed, if available.
  - i. Diesel powered equipment should be replaced by electric equipment whenever feasible.
  - j. Construction worker trips shall be minimized by requiring carpooling and by providing for lunch onsite.

11. **Vegetation Management.** The applicant shall implement all recommendations specified in the biologist's report prepared by Watershed Environmental (March 21, 2001) with respect to vegetation management and erosion control measures (Mitigation Measure Geo 3).

Residences located in the High Fire Hazard area are required to maintain vegetation to create an effective fuel break by thinning dense vegetation and removing dry brush, flammable vegetation and combustible growth from areas within 100 feet of all buildings or structures. The owner shall perform the following maintenance annually for the life of the project. (Mitigation Measure Bio 1)

- a. Cut and remove hazardous brush, shrubs, and flammable vegetation such as dry grass and weeds within 100 feet of any structure and within 2 inches of the ground.
  - b. Clear brush from streets and driveways both horizontally and vertically along the property. Flammable vegetation must be cleared on each side of the street or driveway for a distance of 10 feet and a vertical distance of 13 feet, 6 inches. Vegetation must be cut to within 2 inches of the ground. This applies to the public or private driveway and any public or private streets that border the property.
  - c. Remove dead wood, trim the lower branches, and limb all live trees to 6 feet above the ground (or as much as possible with younger, smaller trees), especially trees adjacent to buildings.
  - d. Trim tree limbs back a minimum distance of 10 feet from any chimney opening.
  - e. Remove all dead trees from the property.
  - f. Maintain the roof of all structures free of leaves, needles or other vegetative debris.
  - g. Legally dispose of all cut vegetation, including any debris left from previous tree trimming and brush removal. Cut vegetation may be chipped and spread throughout the property as a ground cover, up to 12 inches in depth, and at least 30 feet from any structure.
12. **Archaeological Findings.** Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel.
- If such cultural resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and a City-approved archaeologist shall be consulted. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, including but not limited to redirection of grading and/or excavation activities.
- If the findings are potentially significant, a Phase III recovery program shall be prepared and accepted by the Environmental Analyst and the Historical Landmarks Commission. That portion of the Phase III program which requires work on-site shall be completed prior to continuing construction in the affected area.

If prehistoric or other Native American remains are encountered, a Native American representative shall be contacted and shall remain present during all further subsurface disturbance in the area of the find. (Mitigation Measure CR 1)

13. **Earthwork, Foundation and Drainage Design.** The applicant shall implement all recommendations specified in the geology report prepared by CFS Engineering Geology Inc. (March 1998). These recommendations include: (Mitigation Measure Geo 1)
  - a. The earthwork and foundation design shall be based on the recommendations of the applicant's geotechnical engineer. On the basis of the relatively steep slopes adjacent to the building area, CFS recommends that the foundations consist of deepened spread footings or drilled piers embedded into firm to hard Santa Barbara Formation materials underlying the site.
  - b. To reduce the potential for surficial slumps and erosion of the natural slope below the residence, CFS recommends that on site drainage be collected and transmitted in a non-erosive manner to the drainage course below the proposed residence.
  - c. Additionally, the drainage system shall be designed to retain all drainage from 100-year storms on site.
14. **Foundation Design.** The project shall be constructed in accordance with the recommendations made in the soils report prepared by Coast Valley Testing, Inc. on March 19, 1998, for site preparation and foundation design to address soils constraints. (Mitigation Measure Geo 2)
15. **Erosion Control Measures.** The applicant shall implement all recommendations specified in the biologist's report prepared by Watershed Environmental (March 21, 2001) with respect to vegetation management (Mitigation Measure Bio 1 or Condition C.6) and erosion control measures. (Geo 3)

The following temporary erosion control measures shall be taken during construction:

- a. Temporary construction fencing will be installed along the southern (downslope) edge of the development envelope. The purpose of this fencing is to prevent disturbance outside of the building envelope and to prevent material from rolling downslope.
- b. Should grading be performed during the rainy season (November 1 to April 1), a row of silt fencing shall be installed along the downslope edge of the development envelope and secured to the temporary construction fencing.

- c. All temporary soil stockpiles will be contained within the development envelope. Should grading occur during the rainy season, the contractor will be required to cover all stockpiled material prior to a storm event to prevent erosion and sediment transport.
- d. Until such time as the driveway and landscaping have been installed, the contractor and/or property owner shall protect the storm drain inlets from sediment-laden runoff.
- e. Erosion control materials (i.e. sandbags, strawbales, and silt fencing) shall be used to trap and filter sediment before entering the storm drain.

16. **Construction Hours.** Noise-generating construction activity is prohibited (including preparation for construction work) before 8:00 a.m. and after 5:00 p.m. Monday through Friday and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara as shown below. (Mitigation Measure N 1)

New Year's Day ..... January 1<sup>st</sup>  
Martin Luther King Jr.'s Birthday ..... 3<sup>rd</sup> Monday in January  
President's Day ..... 3<sup>rd</sup> Monday in February  
Memorial Day ..... Last Monday in May  
Independence Day ..... July 4<sup>th</sup>  
Labor Day ..... 1<sup>st</sup> Monday in September  
Thanksgiving Day ..... 4<sup>th</sup> Thursday in November  
Following Thanksgiving Day .... The Friday following the 4<sup>th</sup> Thursday in November  
Christmas Day ..... December 25<sup>th</sup>

\*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday respectively shall be observed as a legal holiday.

17. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices. (Mitigation Measure N 2)
18. **Source Reduction/Recycling Plan.** A source reduction/recycling plan shall be developed for the proposed project and submitted for review and approval by the City's Environmental Analyst prior to building permit issuance. (Mitigation Measure PS 1)
19. **Trash/Recycle Storage Area.** The proposed project shall provide space and/or bins for storage of recyclable material with the project site. This information shall be shown on the building plans and installed as a part of the proposed project's improvements. (Mitigation Measure PS 2)
20. **Demolition/Construction Materials Recycling.** Recycling and/or reusing of demolition/construction materials shall be carried out and containers shall be provided on site for that purpose. (Mitigation Measure PS 3)

21. **Construction Contact Sign.** Signage shall be posted along the closest street frontage that lists the contractor(s) name and phone number and work hours and limitations to assist neighbors, Building Inspectors and Police Officers in the enforcement of the conditions of approval, and to inform subcontractors of site rules and restrictions. As determined by City, additional temporary noise mitigation may be considered and imposed.
22. **Conditions on Plans/Signatures.** All Planning Commission Conditions of Approval shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

---

Property Owner

Date

---

Contractor

Date

License No.

---

Architect

Date

License No.

---

Engineer

Date

License No.

- E. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:
1. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curbs, gutters, sidewalks, etc.) subject to the review and approval of the Public Works Department. Where tree roots are the cause of the damage, the roots are to be pruned under the direction of the City Arborist.
  2. **Progress/Final Reports from PEC.** Written progress reports as well as a final report by the Project Environmental Coordinator consistent with reporting procedures spelled out in the MMRP adopted as part of the project.
  3. **Monumentation and Record of Survey.** Within one (1) year of the issuance of any Certificate of Compliance for the real property described herein, or any permit for improvements, which ever is the earliest, the owner of the property shall cause the property to be surveyed and monuments set by a licensed land surveyor or qualified licensed civil engineer, and in accordance with applicable statutes, shall cause the preparation and recordation of a Record of Survey in the Office of the County Recorder of the County of Santa Barbara, which shall show the lot lines of the property.

- F. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of the City Council denial of the appeal and approval of the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses and costs of that independent defense.

**NOTICE OF APPROVAL TIME LIMITS:**

The Planning Commission's action approving the Modification shall terminate one (1) year from the date of the approval, per SBMC 28.87.360, unless:

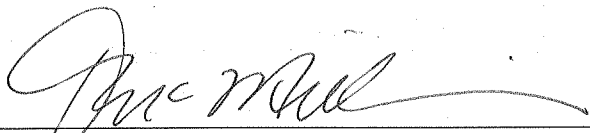
1. A building permit for the use authorized by the approval is sought within twelve months of the approval. An extension may be granted by the Planning Commission if the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.
2. The approval has not been discontinued, abandoned or unused for a period of six months following the earlier of (a) an Issuance of a Certificate of Occupancy for the use, or (b) one (1) year from granting the approval.

PLANNING COMMISSION RESOLUTION No. 031-05  
1218 & 1224 HARBOR HILLS DRIVE  
APRIL 21, 2005  
PAGE 16


This motion was passed and adopted on the 21st day of April, 2005 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 7 NOES: 0 ABSTAIN: 0 ABSENT: 0

I hereby certify that this Resolution correctly reflects the action taken by the City of Santa Barbara Planning Commission at its meeting of the above date.



Deana Rae McMillion, Admin/Clerical Supervisor



Date

THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.